

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

J. D. EVANS, INC.,)	
a South Dakota corporation,)	
)	
Plaintiff,)	CIV 08-4059
)	
vs.)	
)	The Hon. Lawrence Piersol
VOLVO GROUP NORTH)	
AMERICA, INC.,)	
a Delaware corporation,)	
)	
VOLVO CONSTRUCTION)	
EQUIPMENT)	
NORTH AMERICA, INC.,)	
a Delaware corporation,)	
)	
VOLVO ROAD MACHINERY,)	
INC., a North Carolina corporation,)	
)	
INGERSOLL-RAND COMPANY,)	
a New Jersey corporation,)	
)	
Defendants.)	

**PLAINTIFF'S REQUEST FOR STIPULATED
DISMISSAL WITH PREJUDICE**

WHEREAS, Plaintiff J.D. Evans, Inc. and Defendants Volvo Group North America, Inc., Volvo Construction Equipment North America, Inc., Volvo Road Machinery, Inc. and Ingersoll-Rand Company are parties to this litigation (hereinafter "Parties") and have appeared through counsel; and

WHEREAS, Plaintiff no longer desires to proceed further with its case;

THEREFORE, pursuant to the provisions of FEDERAL RULE OF CIVIL

PROCEDURE 41(a)(1)(A)(ii), it is hereby stipulated and agreed, by and between the parties hereto through their counsel of record that:

1. This case be dismissed with prejudice as to all claims; and
2. That each party bear its own costs and attorney's fees.

The parties' signed stipulation is attached as Exhibit A.

Respectfully submitted,

Dated: November 30, 2009

/s/ Michael P. Healy

Michael P. Healy SDSB3361

The Healy Law Firm, LLC

1100 Main Street, Suite 2600

Kansas City, MO 64105

Phone: 816-472-8800

Fax: 816-472-8803

Email: mphealy@healylawyers.com

Counsel for Plaintiff J. D. Evans, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2009, a true and correct copy of this document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's ECF system. Parties may access this filing through the Court's system.

Thomas M. Frankman
Eric R. Johnson
Davenport, Evans, Hurwitz & Smith LLP
206 West 14th Street
P.O. Box 1030
Sioux Falls, SD 57101-1030
Phone: 605-336-2880
Fax: 605-335-3639
Email: TFRANKMAN@DEHS.COM
Email: EJOHNSON@DEHS.COM

David R. Jarrett
(admitted pro hac)
Baker & Hostetler LLP
1000 Louisiana Street, Suite 2000
Houston, Texas 77002-5009
Phone: 713-646-1347
Fax: 713-751-1717
Email: djarrett@bakerlaw.com

*Counsel for Volvo Group North America,
Inc., Volvo Construction Equipment
North America, Inc., Volvo Road
Machinery, Inc. and Ingersoll-Rand
Company*

/s/ Michael P. Healy
Michael P. Healy